Field Hearing of
House Resources Committee
Subcommittee on Fisheries Conservation, Wildlife and Oceans
on
Chesapeake Bay Oyster Restoration, Management and Research
in Annapolis, Maryland
October 22, 2001

Members Attending
Chair Wayne Gilchrest (R-MD); Ranking Member Robert Underwood (D-GU)

Also, Maryland House of Delegates member George Owings (D)

Witness List
Mr. Scott Gudes, NOAA Acting Administrator
Mr. Eric Schwaab, Director, Maryland Dept. of Natural Resources, Fisheries Service; Colonel David Hansen, U.S. Army Corp of Engineers, Norfolk District; Mr. Mark Luchenback, Director, Wachapreague Lab; Dr. Susan Roberts, National Academy of Sciences, Ocean Studies Board; Mr. Tom Grasso, World Wildlife Fund; Mr. Charlie Frentz, Oyster Recovery Partnership; Mr. Sherman Baynard, Past Chairman, Maryland Coastal Conservation Association; Mr. Mike F. Hirshfield, Chesapeake Bay Foundation; Mr. Karen Oertel, President, Harris Crab House; Mr. Larry Simms, President, Maryland Watermen's Association

Opening Statements

Chair Gilchrest noted that important Congressional work such as this field hearing must go on despite recent events. He stressed his belief that the federal-state-private oyster restoration partnership is key to restoring the health of the Chesapeake Bay. He closed by expressing his hope that in the not too distant future a modern day descendant of John Smith (the first European explorer of the Bay) will be able to take a canoe down some tributary of the bay and have to navigate around oyster reefs the way sailors in the Bay had to in colonial times.

Del. Underwood said that he was glad that the Subcommittee was looking into the issue of oyster restoration and said that a healthy oyster population was key to the Bay's recovery.

Testimony (from NOAA witness only)

Mr. Gudes testimony focused on three points: NOAA's involvement in Chesapeake Bay oyster restoration, oyster disease research, and the role Marine Protected Areas (MPAs) can play in the ongoing oyster recovery efforts. Mr. Gudes said that NOAA, through the agency's Chesapeake Bay Office, participates in the federal-state-private partnership to restore oysters in the Bay and that NOAA's efforts are centered around two principal themes: progress toward the Chesapeake 2000 goal to restore oysters to 10-times their current biomass by 2010, and furthering science through development of innovative restoration techniques and strategies.

Mr. Gudes noted that NOAA's Sea Grant program distributes grants to universities to focus

research on the problem of oyster disease–a significant factor in the decline of the oyster fishery. Researchers have made some progress in combating oyster disease including development of disease resistant oyster strains and improving disease prediction and are transferring these research results to marine resource managers.

Finally, Mr. Gudes outlined the role that marine protected areas (MPAs) can play in restoring oyster populations in the Bay. Maryland and Virginia are working with NOAA to create oyster sanctuaries, small no-take oyster reefs placed at strategic locations throughout the Bay in the hopes that these areas will assist in the recovery of oyster populations Bay-wide.

<u>Questions</u> (asked to Mr. Gudes only)

Chair Gilchrest asked: The Army Corps of Engineers just stated that they are not certain that they have sufficient legal authority to create oyster sanctuaries as part of their restoration work. NOAA is working with the Corps–does NOAA have similar concerns about a lack of legal authority to create oyster sanctuaries with Maryland and Virginia? I would assume that the recommendations of the states' Department of Natural Resources would be sufficient for NOAA and the Corps.
–**Mr. Gudes said:** NOAA believes it has sufficient flexibility within our existing authorities to assist Virginia and Maryland with their efforts to create oyster sanctuaries in those state waters and noted that NOAA "pivots off the states' guidance on all of our oyster restoration efforts."

Chairman Gilchrest asked: What is the status of President Clinton's Executive Order 13158 on Marine Protected Areas?
–**Mr. Gudes replied:** In June of 2001, Secretary Evans announced that the Bush Administration had decided to retain the Order and re-open the nomination process for the MPA Federal Advisory Committee. The nomination process is now closed and I believe that Secretary Evans will complete selection of the membership of this panel by January 2002.

Delegate Underwood asked: What is the most significant limiting factor in oyster recovery?
–**Mr. Gudes replied:** Oyster diseases such as MSX and Dermo are a major factor and that Virginia's ailing oyster fishery (located in higher salinity water where oyster disease is more common) shows this most dramatically. In addition to disease, Mr. Gudes noted that the ecology of the Bay, specifically changes in salinity in areas like the Magothy River have played a role in oyster decline.

Delegate Underwood asked: Are the oyster diseases MSX and Dermo considered invasive species?
–**Mr. Gudes replied:** They probably are not invasive species

Chairman Gilchrest asked: With respect to Marine Protected Areas (MPAs), NOAA is currently involved in efforts to develop a Chesapeake Bay Fisheries Ecosystem Plan. Is that effort being linked with efforts to create oyster sanctuaries which are a type of MPA?
–**Mr. Gudes replied:** MPAs come in all shapes and sizes and right now NOAA and the Department of Interior are working on an inventory of existing MPAs. He stated that he thought the ongoing efforts to develop and implement a Chesapeake Bay Fisheries Ecosystem Plan--instead of a plan that only focused on one species--is the right approach. He noted that oysters

have played a key role in water quality in the Bay historically and would have to be part of any ecosystem recovery.